

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MARIT HAMMICK,)
) Case No.
Plaintiff,)
) COMPLAINT
vs.) Personal Injury – Auto
) CLAIM NOT SUBJECT TO MANDATORY
MATTHEW SCOTT JACOBS and) ARBITRATION
FRANKLIN UNITED, INC., an Idaho)
corporation,)
) Fee at ORS 21.160(1)(c)
Defendant.) Prayer Amount \$875,000

COMES NOW Plaintiff and, for claim for relief against Defendants, and each of them, as follows, complains and alleges as follows:

1.

That during all of the times herein mentioned, Franklin United, Inc. was a corporation organized and existing under and by virtue of the laws of the State of Idaho and was authorized to do business within the State of Oregon.

2.

That during all of the times herein mentioned, Defendant Matthew Scott Jacobs was an agent or employee of Defendant Franklin United, Inc., an Idaho corporation.

3.

That during all of the times herein mentioned, Defendants were the operators of a certain truck bearing license BG1197 and VIN number 1FVHGEDR6CSBT6489.

4.

1 That during all of the times herein mentioned, Plaintiff was the operator of a 2011 Nissan
2 automobile.

5.

5 That during all of the times herein mentioned, Interstate Highway 5 southbound was a
6 public roadway in Portland, Multnomah County, Oregon at or near its Moda Center onramp.

6.

8 That on or about August 1, 2018, Defendants were operating their aforesaid truck
9 southbound on Interstate Highway 5 on the ramp from Interstate Highway 5 southbound to I-84
10 eastbound, and Plaintiff, driving her 2011 Nissan automobile, was following said truck in traffic
11 when Defendants' truck dropped its driveline onto the pavement causing an unavoidable accident
12 during which Plaintiff's automobile collided with the driveline, threw her about and injured her
13 in the manner hereinafter more fully described.

7.

16 That at said time and place, Defendants were negligent in one or more of the following
17 particulars, to-wit:

19 (a) In operating the vehicle when it was in an unsafe condition, all in violation
20 of the Oregon Motor Vehicle Code (negligence per se – ORS 811.020); and

21 (b) In failing to warn Plaintiff and other motorists that its vehicle was unsafe,
22 subject to dropping its driveline upon the pavement.

8.

24 That as the result of the negligence of Defendants as aforesaid, Defendants caused its
25 truck to drop its driveline on the pavement where it was struck by Plaintiff's following
26

automobile caused her to sustain injuries, including bruises and contusions, injuries to the
 1 cervical, thoracic and lumbar spine, with myofascitis, muscle spasm, post-traumatic headaches,
 2 and herniated lumbar discs requiring surgery, and all of the aforesaid injuries have caused
 3 Plaintiff to sustain pain and suffering, and the injuries are permanent and Plaintiff will sustain
 4 pain and suffering in the future all to her noneconomic damage in a sum to be determined by the
 5 jury not to exceed \$500,000.

7 9.

8 That as the result of the negligence of Defendants as aforesaid, Plaintiff was required to
 9 incur reasonable and necessary accident-related medical expenses all to her economic damage in
 10 a sum to be determined prior to trial and currently estimated at \$125,000.

12 10.

13 That as the result of the negligence of Defendant as aforesaid, Plaintiff sustained a
 14 permanent loss of wage earning capacity all to her further economic damage in a sum to be
 15 determined by the jury not to exceed the estimated sum of \$250,000.

16 WHEREFORE, Plaintiff prays for Judgment against Defendants, and each of them, for a
 17 sum of noneconomic damages in an amount to be determined by the jury not to exceed \$500,000,
 18 together with her economic damages for accident-related medical expenses in an amount to be
 19 determined prior to trial and currently estimated at \$125,000, together with her economic
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26
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damages for loss of earning capacity in the estimated sum of \$250,000, together with her costs
and disbursements incurred herein.

DATED this 9TH day of JANUARY, 2019.

MERKEL & ASSOCIATES

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Of Attorneys for Plaintiff